

ENTERED

August 29, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA

§

VS.

§

CRIMINAL ACTION NO. 2:17-CR-779

OLIVER JULIAN HUETE-CORNEJO; aka
HUBERTA

§

§

ORDER

Oliver Julian Huete-Cornejo filed a *pro se* letter motion requesting copies of his docket sheet, judgment, “commit[]ment documents[,] and the full record of the proceedings.” D.E. 27. For the reasons stated below, the motion is granted in part and denied in part.

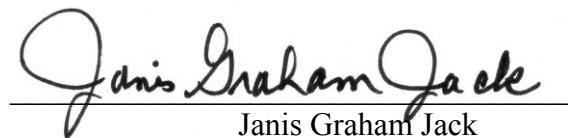
Huete-Cornejo pleaded guilty to illegal re-entry. The Court sentenced him to 37 months’ imprisonment in April 2018. Huete-Cornejo did not appeal and the time to do so has passed. *See* Fed. R. App. P. 4(b)(1).

An indigent defendant has a statutory right to free court documents only in particular circumstances. *See* 28 U.S.C. § 753(f); *United States v. MacCollum*, 426 U.S. 317 (1976). The defendant must establish that the documents are needed to decide an issue in a pending suit and that the suit is not frivolous. 28 U.S.C. § 753(f); *see also United States v. Herrera*, 474 F.2d 1049, 1049-50 (5th Cir. 1973) (“This Court has consistently held that a federal prisoner is not entitled to obtain copies of court records at the government’s expense to search for possible defects merely because he is an indigent.”). Although Huete-Cornejo states he needs the documents for a constitutional challenge to his sentence, he has not yet filed such a challenge. Because Huete-Cornejo has nothing pending other than the present motion, he is not entitled to documents at government expense. He may request transcripts of the proceedings at his own expense. His Presentence Investigation Report, which summarizes the events of his sentencing,

may be reviewed with his case manager.

Huete-Cornejo's motion for a copy of his judgment and docket sheet (D.E. 27) is GRANTED in part. His motion (D.E. 27) for a copy of his "commit[]ment documents[,] and the full record of the proceedings" is DENIED. Additionally, the Clerk is instructed to send him instructions on how he may order documents and the cost do so, as well as the form to file a motion pursuant to 28 U.S.C. § 2255.

SIGNED and ORDERED this 29th day of August, 2018.



Janis Graham Jack
Senior United States District Judge